

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

MICHAEL BRENT KOVACH,

Plaintiff,

Vs.

Civil Action No.: 1:06cv159-MEF

**MID SOUTH HOME CARE
SERVICES, INC.,**

Defendant.

PROPOSED DISCOVERY PLAN

Pursuant to *Fed.R.Civ.P.* 26(f), a meeting was held by telephone conference call involving William C. Carn, Lee & McInish, P.C., attorney for the defendant, and Jon C. Goldfarb, Maury S. Weiner and Kell A. Simon, Wiggins, Childs, Quinn & Pantanzis, P.C., attorneys for the plaintiff. During the foregoing conference, the attorneys agreed on the following proposed discovery plan:

1. PRE-DISCOVERY DISCLOSURES.

The parties will make their Rule 26(a)(1) initial disclosures within fourteen (14) days after the filing of this Proposed Discovery Plan with the court.

2. DISCOVERY PLAN

The parties jointly propose to the Court the following discovery plan:

A. Discovery will be required on the Plaintiff's claims and the Defendants' defenses.

B. Discovery shall be commenced in time to be completed by *December 20, 2006*.

C. A maximum of forty (40) interrogatories by each party to any other party.

Unless otherwise agreed between the parties, responses are due within thirty (30) days of service.

D. A Maximum of twenty-five (25) requests for admissions by each party to any other party. Unless otherwise agreed between the parties, responses are due within thirty (30) days of service.

E. A maximum of forty (40) request for production of documents by each party to any other party. Unless otherwise agreed between the parties, responses are due within thirty (30) days of service.

F. A maximum of ten (10) depositions by Plaintiff and ten (10) depositions by the Defendant.

G. Reports from retained experts under Rule 26(a)(2) shall be due:

From Plaintiff by ***October 1, 2006.***

From Defendant by ***November 1, 2006.***

H. Supplementations under Rule 26(e) are due within thirty (30) days of identification.

3. OTHER ITEMS.

A. The parties do not request a conference with the Court before entry of the scheduling order.

B. The parties request a pretrial conference in ***January, 2007.***

C. Plaintiff should be allowed until ***September 1, 2006*** to join additional parties and ***September 15, 2006*** to amend pleadings.

D. Defendants should be allowed until ***October 1, 2006*** to join additional parties and ***October 15, 2006*** to otherwise amend pleadings.

E. All potentially dispositive motions should be filed no later than ninety (90) days prior to the pretrial hearing.

F. Settlement cannot be evaluated prior to the close of discovery.

G. Final lists of witnesses and exhibits shall be due thirty (30) days before trial.

H. Parties shall have fifteen (15) days after service of final lists of witnesses and exhibits to list objections.

I. The case should be ready for trial by this court's civil term commencing ***February 26, 2007***, and is expected to take approximately two days.

Respectfully Submitted,

/s/ William C. Carn, III
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/s/ Kell A. Simon
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Dated this the 14th day of April, 2006.